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Albertans respond to the proposed Environmental Regulations

A Summary of Public Comments

September 1991 - June 1992

Alberta
ENVIRONMENTAL PROTECTION



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An Overview of the Regulatory Review -- Public Consultation Process

On September 20, 1991, Alberta Environment¹ made available draft regulations for the proposed Alberta Environmental Protection and Enhancement Act (the Act). As part of the public consultation process, the Government invited Albertans to review the drafts and provide comments and suggestions for redrafting. Public response to this invitation was tremendous: more than 7,500 Albertans requested copies of the draft.

To clarify the intent of the drafts and to discuss them more fully, the Department held numerous public information sessions in October and November, 1991. Some 800 Albertans attended these meetings in Edmonton, Calgary, Grande Prairie and Lethbridge. Additional information meetings were held with interested groups and associations at their request. As well, several divisions within the Department

organized meetings with interested clients: Wastes and Chemicals Division conducted a series of pesticide workshops, and the Hydrogeology Branch held two workshops on the Water Well Drilling, Construction, Maintenance and Reclamation Regulation. Interest in both these workshops was high, with approximately 200 people attending.

The public input received on the drafts was diverse. Submissions ranged from written comments (over 300; see Appendix 1 for listing), to some verbal comments made on the 1-800 information line. As well, questionnaires and petitions were received on the Waste Minimization and Recycling Regulation. All submissions were carefully reviewed to identify areas of public concern and to incorporate improvements into the drafts.

¹ In December 1992, Alberta Environment's name changed to Alberta Environmental Protection. As the draft regulations were circulated under the name Alberta Environment and comments received from the public referenced Alberta Environment, that name is used in this document, but in each case can be interpreted as 'Alberta Environmental Protection'.

Outstanding issues, issues where there was a wide divergence of opinion among those making submissions, were addressed in discussion workshops in April and June, 1992, in Edmonton. The purpose of these workshops was to achieve, where possible, common understanding and agreement on issues. More than 200 people attended these workshops. Although consensus could not be reached on every issue, differing points of view were openly shared, and Alberta Environment ensured all views were recorded. These views were also considered during the redrafting of the regulations.

Because of the complexity of certain issues and regulations, task forces or working groups were formed during the summer of 1992 to more fully review a number of the proposed new regulations.

In late 1991, a task force was formed to make recommendations with respect to the definition of "person responsible for a contaminated site". This task force completed its work and submitted its recommendations to the Minister in April, 1992.

For the Class of Activities Regulation, eight working groups made recommendations on these project categories:

1. Biotechnology;
2. Recycled fibre mills;
3. Transmission lines;
4. Sand and gravel operations;
5. Quarries;
6. Peat removal;
7. Pipelines; and,
8. Heavy oil.

A working group also made recommendations on the handling of upstream oilfield waste. Major recommendations of these groups have been incorporated into this summary document.

During the fall of 1992, the regulations were re-drafted. During the redrafting and continued consultation process, the regulations were modified. In some cases, regulations were combined; in other cases, new regulations were created. As a result the names of regulations were changed. Table #1 on the following pages, shows these changes. To avoid confusion between the comments made on the draft regulations, and the new redrafted regulations, the draft regulation names are used in this document.

The revised regulations were submitted to Government for review and filing in the Spring of 1993. On April 21, 1993, the Act was proclaimed. The Act and its regulations come into force on September 1, 1993. This will give Albertans time to become familiar with the new regulatory requirements.

The final step in the legislative process will be a review of enforcement programs. Enforcement policies have been prepared by the Department. More detailed information on these policies is available from the Department on Fact Sheets.

Throughout the regulatory review, the Department endeavored to keep all interested individuals and groups fully informed of the status of the draft regulations. To continue this commitment, this document has

**Table #1: Comparison of Regulation Names:
Draft and Final**

Draft:

1. Disclosure of Information
2. Environmental Assessment
3. Environmental Assessment Mandatory Activities
4. Classes of Activities
5. Approvals Procedure
6. Environmental Appeal Board
7. Environmental Appeal Board - Security for Costs

8. Substance Release - Maximum Levels Air Emissions
9. Substance Release - Stormwater and Wastewater Systems
10. Substance Release - Industrial Plants
11. Substance Release - Person Responsible for Contaminated Sites
12. Release Reporting
13. Conservation & Reclamation
14. Conservation and Reclamation - Committees
15. Conservation and Reclamation - Security
16. Water Well Drilling, Construction, Maintenance and Reclamation
17. Potable Water
18. Waste Minimization and Recycling
19. Hazardous Recyclables

20. Hazardous Waste

21. Waste Control
22. Pesticides

23. Enforcement

Final:

1. Disclosure of Information
2. Environmental Assessment
3. Environmental Assessment (Mandatory & Exempted Activities)
4. Activities Designation
5. Approvals Procedure
6. Environmental Appeal Board
7. No separate regulation exists for this issue. Provisions for security were rolled into the Environmental Protection and Enhancement (Miscellaneous) Regulation
- 8a. Air Emissions
- 8b. Ozone Depleting Substances
9. Wastewater and Storm Drainage
10. Industrial Plants
11. No separate regulation exists for this issue.
12. Release Reporting
13. Conservation and Reclamation
14. No separate regulation exists for this issue.
15. No separate regulation exists for this issue. Provisions were rolled into the Conservation and Reclamation Regulation
16. Water Well
17. Potable Water

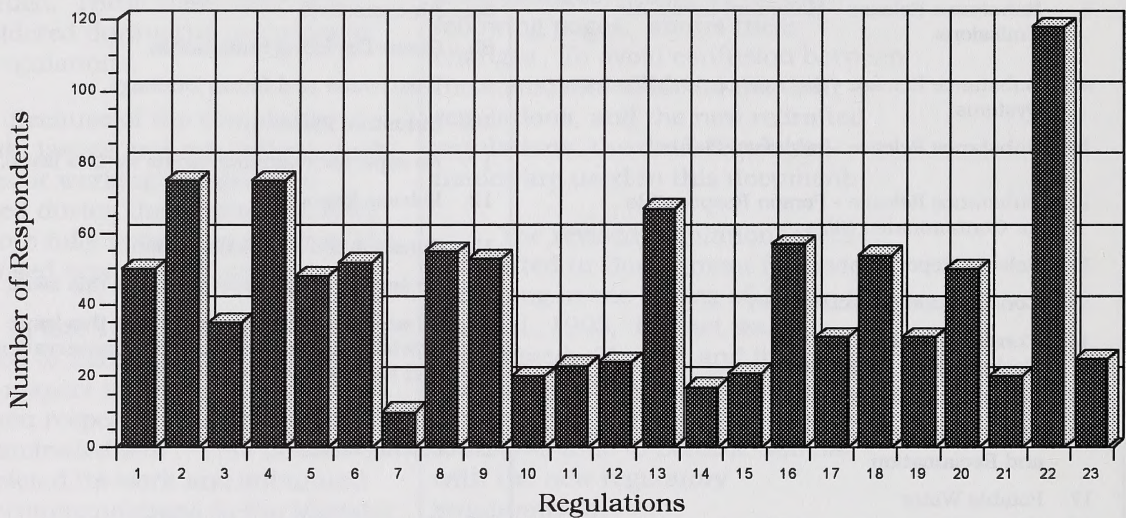
18. Beverage Container Recycling
19. No separate regulation exists for this issue. Provisions from the regulation were rolled into the Waste Control Regulation.
20. No separate regulation exists for this issue. Provisions from the regulation were rolled into the Waste Control Regulation
21. Waste Control
- 22a. Pesticides (Ministerial)
- 22b. Pesticide Sales, Handling, Use and Application
23. No separate regulation exists for this issue.
24. Environmental Protection and Enhancement (Miscellaneous)

been compiled, highlighting the main written and verbal suggestions and concerns Alberta Environment received on each of the draft regulations. It also shows how the Department responded to the public's concerns in the redrafting process. Chart #1, which follows, illustrates the number of comments received for each draft regulation.

When Alberta Environment undertook the regulatory review, it

sought the advice of a wide range of stakeholders, industry groups, environmental groups and other governments. On an ongoing basis, these groups suggested ways to strengthen the public consultation process. Their support and suggestions were greatly appreciated. The process was a valuable one in ensuring that Albertans continue to play an integral role in the protection and enhancement of our environment.

CHART #1: RESPONSES TO DRAFT REGULATIONS *



* Does not include questionnaires and petitions on Waste Minimization and Recycling Regulation

Legend

1	Disclosure of Information	7	Environmental Appeal Board (Security for Costs)	12	Release Reporting	17	Potable Water
2	Environmental Assessment	8	Substance Release (Maximum Levels Air Emissions)	13	Conservation and Reclamation	18	Waste Minimization and Recycling (Beverage Containers)
3	Environmental Assessment (Mandatory Activities)	9	Substance Release (Stormwater and Wastewater Systems)	14	Conservation and Reclamation (Committees)	19	Hazardous Recyclables
4	Classes of Activities	10	Substance Release (Industrial Plants)	15	Conservation and Reclamation (Security)	20	Hazardous Waste
5	Approvals Procedure	11	Substance Release (Person Responsible for Contaminated Sites)	16	Water Well Drilling, Construction, Maintenance and Reclamation	21	Waste Control
6	Environmental Appeal Board					22	Pesticide Sales, Handling, Use and Application
						23	Enforcement

Background on Draft Regulation

The Disclosure of Information Regulation establishes the Department's procedures for the release of non-confidential documents. These documents include information related to the environmental assessment process, applications, approvals, certificates of variance, environmental protection orders and reclamation certificates.



Overview of What You Said

▶ Among those commenting on public disclosure of information, a vast majority of industry respondents were concerned about confidentiality. Given the importance of confidentiality to business competitiveness, they considered it essential that the regulation clarify what type of information is classed confidential, what documentation should be filed in place of confidential information and what steps would be taken to ensure confidentiality.

Action Taken to Redraft Regulation

▶ Any applicant or approval holder may request the Director to make a determination of confidentiality. Rejection of the request may be appealed to the Environmental Appeal Board. The Board's decision would be final.

Overview of What You Said

Action Taken to Redraft Regulation

- ▶ The timing of information release was also a fundamental industry concern. Under the draft regulation, applicants were to release documents “within a reasonable time”. Because this term was undefined, many companies (particularly oil and gas) were worried their documents would be released too early, allowing competitors to both capitalize on the information and avoid the financial costs of being the initial applicant.
 - ▶ While others also requested clarification of “reasonable time”, their focus differed from industry. Individuals wanted assurances that information would be released early enough so they could adequately prepare for upcoming meetings.
 - ▶ Several respondents, including associations, industry and a municipality, expressed support for this regulation. Respondents were encouraged by the regulation’s commitment to opening information to the public, although some believed further access is necessary.
 - ▶ Various respondents questioned why documents would be available “to any person” requesting them. Unlimited access could, they asserted, prove both unnecessary and costly. Limiting access to those affected by the information in some way was one option identified for addressing this potential problem. Another suggestion was to charge a modest fee for documents.
- ▶ No time limits were set regarding the release of information to the public by applicants or approval holders. However, provisions were made requiring the public to request information from applicants or approval holders first, before coming to the Department for information requests. If no response has been received within 30 days from the applicant, the Department will provide the information at no charge. It is the Department’s obligation to release information within a reasonable time of the request being made.
 - ▶ It is the Department’s obligation to release information within a reasonable time of the request being made. The Department will develop guidelines for timelines for the availability of different types of information.
 - ▶ No response was necessary.
 - ▶ This section of the regulation was clarified. The Director may refuse to provide information to members of a group which has already received the same information. No fee will be charged for information.

Overview of What You Said

Action Taken to Redraft Regulation

- ▶ In addition to public access, various respondents questioned what types of documents would be available. Would documents include all textbooks, reports, manuals and studies related to a project? If so, applicants could find it difficult to meet the high costs of supplying such extensive information.
 - ▶ The retention period for documentation was a concern for a limited number of respondents. It was unclear how long an applicant or department should make information available. Clarification was requested.
 - ▶ A few respondents suggested that to streamline the process, Alberta Environment should be responsible for addressing all requests for information. In contrast, another individual preferred the present provision that approval holders, approval applicants or certificate of variance applicants respond to certain requests, thus demonstrating their environmental awareness.
- ▶ This concern was not specifically dealt with in the regulation. However, as provided for in the Act, reports, studies and other documentation required through an approval are public information.
 - ▶ This concern was not specifically dealt with in the regulation but will be addressed in guidelines.
 - ▶ Persons seeking information with respect to approvals on environmental and emission monitoring data must initially request it from the applicant or approval holder. If no response is received within 30 days, the request may then be made to the Department. The Department will bear the obligation of providing all other public information.

Background on Draft Regulation

The process for conducting environmental assessments was formalized under the Act and the Environmental Assessment Regulation. Environmental Assessments (EAs) now require the review of certain activities to assess their potential environmental impacts. Provisions for public consultation in EAs have also been developed. The various stages of the review process are clearly outlined in the Act.

Overview of What You Said

Action Taken to Redraft Regulation

► Many people were unclear why certain activities were excluded from the EA process. It was suggested that a definitive exclusion list, not just a list of examples, should be part of the regulation.

► There are thousands of activities that occur in Alberta on a regular, ongoing basis where the environmental impacts are known to be insignificant or minimal. To provide certainty to individuals and small companies contemplating these activities, an Exemption List was created as Schedule 2: Activities to be Exempted from Environmental Assessment Process. This is not meant to be an exhaustive list, but rather one that will deal with a majority of the activities that are known to be insignificant or where the environmental impacts are well documented and can be addressed by proper mitigation. For example, stringent requirements can be applied to approvals for municipal water treatment and wastewater treatment and collection facilities. Where necessary, the Minister can require an EA on a project which is on the exempted list.



Overview of What You Said

Action Taken to Redraft Regulation

- ▶ Respondents' opinions differed widely about which activities should undergo EAs. One individual, for example, proposed that the manufacturing of wood pallets should require at least a small EA. Another suggested that municipal water, wastewater and subsurface sewage disposal be included. A project's cumulative impacts were considered an important factor.
 - ▶ With few exceptions, almost all respondents agreed that recreation and tourism projects should be on the EA mandatory activities list. Some Albertans suggested specific criteria for determining which recreation and tourism projects should be considered.
 - ▶ The lack of time limits for performing an EA was a concern to industry. The potential for an EA to develop into an unnecessarily lengthy process could prove both time consuming and costly for the company involved. Specific time limits were considered essential.
 - ▶ Regarding the publication of EA notices, both industry and individuals requested clarification. Would notices be required in one newspaper or several? How many times must a notice be published?
- ▶ The views of respondents were considered and the lists of mandatory and exempted activities were revised to better reflect these views. The Act provides for the consideration of cumulative impacts.
 - ▶ Tourism proposals of a certain size, based on the concept of user days and location, have been added to the list of mandatory activities.
 - ▶ It was decided that regulated time frames should not be established. In many instances, the proponent is unable to meet self-imposed deadlines for preparation of disclosure reports, terms of reference and the Environmental Impact Assessment report. There are many external factors which cause schedules to slip for both industry and government.
 - ▶ The public notice requirements were streamlined. Notices shall be published once in a regional newspaper. The responsibility for providing notice at various stages of the EA process would be held by the proponent of a project and Alberta Environmental Protection.

Overview of What You Said

Action Taken to Redraft Regulation

► The Director's power to determine whether a non-mandatory activity would undergo an EA was of concern to many respondents. Rather than granting the Director this amount of discretion, respondents preferred having more detailed guidelines to determine when an EA would be necessary.

► Views were divided on whether statements of concern should be filed by only those directly affected. Industries were supportive of the "directly affected" provision. They argued that limits are necessary to ensure parties without a legitimate stake in a project do not unfairly prolong the process. In contrast, some individuals asserted that because environmental decisions may affect all Albertans, anyone should have an opportunity to file a statement of concern. A definition of "directly affected" was requested by both groups.

► Several respondents requested clarification on the content of screening reports. What types of environmental information should be included? Should comments be made on the potential adverse effects of a project? These and other questions needed to be addressed.

► The availability of screening reports was also mentioned by some respondents. Individuals requested that availability notices be published in more than one paper to ensure Albertans know how reports can be obtained.

► This section of the regulation was not changed. The Director still has discretion in requesting an Environmental Assessment for non-mandatory activities. It is expected that guidelines will be developed to assist proponents in determining when an EA would be necessary.

► It is not necessary to establish a formal mechanism to challenge or validate statements of concern. All concerned citizens have the right to be informed and express their concerns. The weight assigned to specific public concerns depends on the issues raised and the ability of the concerned individuals to establish how they may be affected by the proposed activity. Valid concerns will assist the screening process.

► The required contents of the screening report are specified in the regulation.

► The Director will provide notice of the availability of the screening report in the register of environmental assessment information. In certain cases, the Director may publish the availability of the screening report in at least one regional newspaper.

Overview of What You Said

Action Taken to Redraft Regulation

► Confidentiality of information was a concern for one respondent. It was suggested that provisions be established to ensure certain proprietary information is not disclosed during the EA process.

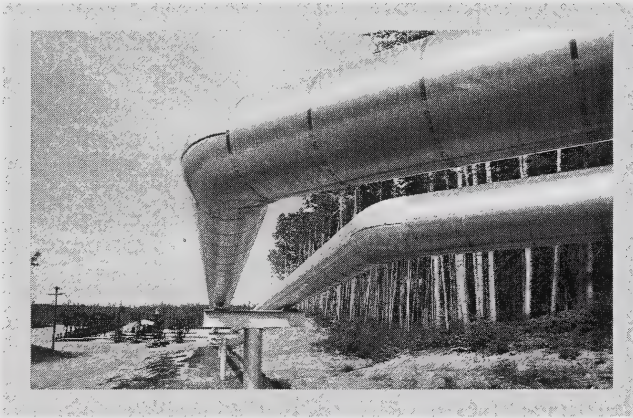
► Any information filed during the EA process will be public. Proponents should not provide information to the Department unless they are willing to make it public. It cannot be considered otherwise.

Class of Activities

Background on Draft Regulation

The Class of Activities Regulation was renamed the Activities Designation Regulation. It identifies specific activities that require an approval under the Act. Under this regulation, activities requiring an environmental approval have been grouped in divisions. The creation of divisions of activities is intended to make the approval system more efficient by establishing a “one-window” approach.

To deal with some issues regarding pipelines, a multi-stakeholder task group was established. The group developed a definition for pipelines, specifying which pipelines would require approvals and which would be exempt. The definition in the regulation reflects the discussions of the task group. Operating guidelines for pipelines were also developed by the task group and will be recommended to pipeline operators.



Overview of What You Said

► Of the proposals contained in the regulatory outline, the suggestion that approvals be required for all pipelines (except those plowed into the ground) generated the greatest comment. Industry respondents in particular felt that, given the stringency of existing Energy Resources Conservation Board (ERCB) guidelines, pipelines should not be further regulated. Industry also expressed concern that regulating all pipelines would result in extensive delays and heavy financial burdens for companies.

Action Taken to Redraft Regulation

► The definition of pipeline was modified to exclude plowed-in pipelines and pipelines with a length-by-diameter index of less than 2,690 (that is, length of pipe in kilometres multiplied by diameter in millimetres should be less than 2,690).

Overview of What You Said

Action Taken to Redraft Regulation

- ▶ Both industry and municipalities expressed uncertainty about the definition of “pipeline” and what it encompasses. For example, would sewers be included in the definition?
- ▶ Although agricultural industry respondents generally accepted the proposal in the regulatory outline, their support was dependent on exemptions being established for pipelines conveying irrigation and domestic water.
- ▶ Various respondents supported the requirement for heavy oil sites, transmission lines and quarries to obtain conservation and reclamation approvals.
- ▶ Few people commented on whether recycled fibre mills should obtain environmental approvals; those who did favoured the proposal.
- ▶ In response to the questions contained in the regulatory outline, most strongly supported requiring approvals for certain commercial livestock operations. It was suggested specific criteria for determining eligibility should include the location of water bodies and drinking water supplies, noise and smell.
- ▶ Pipelines that are part of a waterworks system or wastewater system with an index of less than 2,690 are excluded from approval requirements.
- ▶ The pipeline definition excludes pipelines used solely for the purposes of agricultural operators.
- ▶ Approvals for these activities are now required. Multi-stakeholder task groups established approval requirements for heavy oil sites, transmission lines and quarries. The definitions in the regulation reflect the discussions of the task groups.
- ▶ Recycled fibre mills will require an approval.
- ▶ Livestock operations will not require approvals under this regulation.

Overview of What You Said

► Farmers and farm groups strongly opposed regulating livestock operations. These respondents were particularly concerned about the potential cost of performing environmental studies on their land. As well, they felt operation expansion would become difficult under the new regulation.

► Respondents were virtually unanimous when commenting on whether conservation and reclamation approvals should be required for large scale peat removal operations. Given the potential

Action Taken to Redraft Regulation

► The Department will work cooperatively with various levels of government and industry to streamline and guide the development of the livestock industry while maintaining its commitment to the environment. The process will be lead by the local municipalities' land use bylaws. Municipalities will inform the Department of Health of all intensive livestock operations. When a development requires technical input, the municipality will forward the application to Alberta Agriculture, Food and Rural Development who will determine the appropriate technology to be used.

The Government of Alberta will establish an Agriculture Practices Review Board under the Agriculture Operations Practices Act. This producers review board of peers will determine generally acceptable practices and apply them to the resolution of nuisance conflicts that municipal and provincial government staff have been unable to resolve.

Environmental concerns will be addressed by Alberta Environmental Protection through an Enforcement Order. Operation and expansion of intensive livestock facilities will not be impeded by the Act provided operators follow recognized and approved practices.

► Peat operations that require an environmental impact assessment will now require an approval.

Overview of What You Said

Action Taken to Redraft Regulation

disruption these operations may have on habitat as well as the difficulties of reclamation, most agreed that approvals are essential.

► Various respondents agreed with the proposal that sand and gravel pits less than five acres in size should require conservation and reclamation approvals. They felt that by regulating all pits regardless of size, consistent standards would be ensured. Establishing security provisions to ensure proper reclamation should be an additional consideration.

► The question of whether approvals should be issued for biotechnology plants generated some comments. Most respondents agreed approvals should be necessary and suggested possible evaluation criteria, including the type of operation, potential releases and waste products created. Various respondents also urged that biotechnical research facilities should require approvals.

► Many respondents expressed uncertainty about approval definitions. They wondered whether the general nature of some definitions might lead to approvals being required for activities not directly identified in the classes. Various suggestions were also made for adding or deleting activities.

► A multi-stakeholder task group was established to resolve the question of requiring approvals for small sand and gravel operations. While the task group agreed that all pits should require approvals, it was decided that further consultation with small operators and municipalities was required. Thus the five acre exemption was retained. Security could be required at full cost of reclamation if deemed necessary.

► A committee of volunteer stakeholders met to review the extent to which biotechnology was to be regulated. It was agreed that only facilities that utilize biotechnology in their manufacturing processes should be regulated under the Act. Research facilities were not included under the regulatory approvals. A regulatory definition was prepared along with a recommendation that the broader questions of research facilities, product use and application be considered by an interdepartmental stakeholder advisory group.

► Definitions have been refined to capture those activities requiring an approval.

Overview of What You Said

Action Taken to Redraft Regulation

► Various respondents commented on waste management and the potential overlap in approval responsibilities between Alberta Environment and local health boards. To avoid duplicating services and to ensure greater efficiency, it was strongly recommended that Alberta Environment assume the lead role in waste management approvals. Greater clarity in the regulation regarding activities such as composting and landfills was also recommended.

► Projects requiring approvals under more than one class raised questions. Respondents wondered how this process would operate under the “one-window” principle.

► Alberta Environmental Protection will continue to issue approvals for industrial and hazardous waste landfills. The role of the department and the health boards with respect to all other landfills is a topic of on-going discussion.

► Operations that carry on more than one activity designated as requiring an approval will obtain one approval from the Director under the lead activity.

Background on Draft Regulation

Formerly approvals and approval procedures were subject to a number of different Acts. The new Approvals Procedure Regulation replaces all previous procedures for obtaining permits, licences and authorizations from the Department.

Overview of What You Said	Action Taken to Redraft Regulation
<ul style="list-style-type: none">▶ Many commenting on this regulation expressed concern about approval amendments and renewals. Industry and municipal respondents were especially concerned about the potential difficulties which might arise if an existing approval expired before a renewal application or amendment review was completed.▶ Some people questioned the feasibility of having all renewals and amendments undergo the full approval process, including public involvement. They suggested that routine matters in particular should be addressed through a streamlined process.▶ The transition period for the Act to become effective was a concern. Several industries requested clarification on how approval amendments, renewals and extensions would be handled during this period.	<ul style="list-style-type: none">▶ Under the Act, the Director has the power to extend the duration of an approval for an operation.▶ The Director may determine that an application is a routine matter if there is likely to be minimal or no adverse effect on the environment and may waive initial notice requirements. Public notice would be required once the approval is issued.▶ Detailed transition provisions are provided in the Act and the Activities Designation Regulation.

Overview of What You Said

Action Taken to Redraft Regulation

► Requirements for approval applications generated considerable comment. Both industries and municipalities felt these requirements were too general, and offered suggestions for improvement. These suggestions included publishing guidelines for application requirements, and developing information requirements between the Director and proponent on a case-by-case basis.

► Approval requirements for different classes of activities were a concern. Respondents insisted that approvals for some areas (such as the provision of personnel training documents) would require the generation of a great deal of unnecessary information. Modifications were requested.

► Industry respondents requested clarification of the "complete application" definition. They also requested that incomplete applications continue to be reviewed while deficiencies are being addressed.

► Approval timelines were a concern for various respondents. Of particular interest were: the rationale for the 90-day review period for Class C activities; the lack of specific timelines for granting approvals; and, the 10-year approval period for most activities.

► Generic application requirements are provided in this regulation. Detailed application requirements for specific types of activities will be provided in guidelines developed by the Department in consultation with stakeholders.

► Application requirements in the regulation have been streamlined to provide for common application requirements.

► A "complete application" is one which addresses information requirements of the regulations and guidelines. However, there can still be deficiencies in the detail or thoroughness of applications. Incomplete applications will continue to be reviewed while major deficiencies are being addressed.

► There is a 90-day time period for any referral committees. Other approval timelines will be specified in guidelines for different types of designated activities. The Director may specify a shorter term for an approval than the 10-year period provided for in the regulation.

Overview of What You Said**Action Taken
to Redraft Regulation**

► Suggestions for improvement were made regarding public notification of approval applications. These suggestions included publishing notices in regional, rather than local newspapers and ensuring notices appear in at least two consecutive newspaper issues.

► The regulation provides for one or more public notices in newspapers that have circulation in the area affected by the activity that is the subject of an application for an approval. Further details will be provided in guidelines.

Environmental Appeal Board

Background on Draft Regulation

Provision for the creation of an Appeal Board to hear appeals of administrative matters is outlined in the Act. The legislation sets out the procedures for a review.

Originally, the proposed Security for Costs Regulation was to be included as part of the Environmental Appeal Board Regulation. However, provisions for security have been included in the Environmental Protection and Enhancement (Miscellaneous) Regulation.



Overview of What You Said

Action Taken to Redraft Regulation

▶ Views were divided on the Minister's power to override the Board's recommendations. To ensure appeals are dealt with as fairly and objectively as possible, many respondents asserted that the Board, rather than the Minister, should be the final decision maker. In contrast, others were supportive of the Minister's authority. They believed one individual should assume responsibility for the Department's actions.

▶ The qualifications of Board members was a concern for many respondents. Companies, groups and individuals asserted that detailed selection criteria must be developed to ensure members are both objective and technically competent.

▶ The Board has final decision-making authority with respect to appeals on confidentiality and administrative penalties. For all other appeals, the Board will make recommendations to the Minister who will make the final decision.

▶ Criteria for Board member appointments will not be the subject of regulations. The Order in Council which appoints the members of the Board will deal with appointment and term of appointment.

Overview of What You Said

Action Taken to Redraft Regulation

▶ The lack of time limits for the Minister to make decisions on appeals generated considerable comment. Industry, interest groups and some individuals asserted that specific time frames are essential to the efficiency and credibility of the process.

▶ Several companies requested clarification on the awarding of appeal costs. Respondents were particularly concerned that because of Section 44's wording, approval holders may not be considered for reimbursement even if the Board rules in their favour.

▶ Various respondents expressed concern about the Board's power to determine whether a notice of objection is valid. Given the possible impact the Board's recommendation may have, it was felt that more detailed guidelines in this area are essential.

▶ A few people opposed restricting an appeal to "directly affected" persons. It was felt this provision could prevent interested persons from participating in an appeal.

▶ Confidentiality of information was a concern for a few companies. Although the regulation states the Board may rule on a Director's refusal to grant confidential status to information, it was suggested that this provision be clarified.

▶ The Act does not provide the authority for regulations to set timelines for the Minister. It is expected that the Minister will be fair and reasonable in responding to Board recommendations.

▶ Section 44 was deleted.

▶ More detailed guidelines for Board member use will be developed.

▶ The Board will exercise discretion in determining whether interested parties can make presentations even if they were not entitled to file a notice of objection.

▶ The Board will conduct a review as opposed to a hearing where there is an appeal of a ruling of confidentiality. This will keep the information from being disclosed.

Substance Release (Maximum Levels Air Emissions)

Background on Draft Regulation

The release of substances into the air was formerly regulated by the Clean Air Act, Clean Air (Maximum Levels) Regulation, Clean Air (General) Regulations, and the Clean Air Regulations. This legislation was consolidated in the draft Substance Release (Maximum Level Air Emissions) Regulation, which was to regulate and monitor airborne substances released into the environment. The name of this regulation has been changed to Air Emissions Regulation. Provisions in this regulation pertaining to ozone-depleting substances were moved to a new regulation, the Ozone-Depleting Substances Regulation.



Overview of What You Said

▶ The majority of respondents supported the need to establish source emission standards which are consistent for both rural and urban areas. Residents are entitled to the same air quality regardless of where they reside. It was suggested standards should be set prior to the establishment of new developments to eliminate problems resulting from changing standards.

▶ The December, 1993 ban against the manufacture and sale of chlorofluorocarbons (CFCs) or any other ozone-depleting substance was readily accepted by most respondents. The establishment of guidelines and objectives relating to the ban would promote a quicker, more efficient phase-in period for these regulations.

Action Taken to Redraft Regulation

▶ The Clean Air Strategy for Alberta has identified and recommended the establishment of a new approach for dealing with identified air quality problems in Alberta. Due to the lead time required for developing a new approach in this area, a change to this regulation can be handled through a future amendment.

▶ A separate regulation for ozone-depleting substances was developed in order to more completely address the issues relating to the release, manufacture, sale and use of ozone-depleting substances.

Overview of What You Said

Action Taken to Redraft Regulation

► By using safe and effective disposal methods while handling ozone-depleting substances, the release rate of environment-harming substances would be decreased. There was a perceived need to develop guidelines for recovering ozone-depleting substances from equipment. It was recommended that equipment containing CFCs and requiring servicing, installation and removal, be handled by a certified technician. To ensure that CFCs are used only when absolutely necessary, records should be kept of ozone-depleting substance uses.

► A few respondents were concerned with the exemption for fire fighting training exercises simulating emergency situations. Until a soot-reducing additive is universally used in all fire fighting training exercises, they suggested the exercises should not be exempt. Clarification on whether the exemption applies to all fire fighting exercises or only municipal ones was also requested.

► Several respondents suggested establishing a clearer and more concise definition of "standard condition" in Section 1 stipulating air temperature and atmospheric pressure.

► The new Ozone-Depleting Substances Regulation includes provisions for following the Environment Canada "Code of Practice" for the reduction of chlorofluorocarbon emissions from refrigeration and air conditioning equipment. This Code has been adopted by the majority of Canadian provinces.

Provisions have also been included requiring that anyone using CFCs or servicing equipment containing CFCs must first be trained and certified in accordance with the Alberta Apprenticeship and Industry Training Act.

► Deleting the fire fighting exemption may be premature as testing of substitutes is still going on. Should viable alternatives exist which are more environmentally friendly, future amendments to the regulations can be considered to reflect advances in technology.

► Air pollutant concentrations are regularly measured on emission sources and for ambient air. The actual measured temperature and pressure will vary considerably. In order to compare the results of these measurements on an equal and common basis, a set of "standard conditions" was selected. The actual measured values are then converted to equivalent concentrations at "standard conditions".

Overview of What You Said

Action Taken to Redraft Regulation

► Many individuals felt that polluters should be penalized through fines or possible jail terms. Unlawful substance release should be heavily monitored and penalized.

► Several respondents noted that these draft regulations were essentially the Clean Air Act without reference to ambient air quality. While the regulation covers concentrations of allowable releases, it does not address the cumulative, total loadings aspect of substance releases.

► Penalties for offences under the Act have been substantially increased and are specified in the Act and in the regulations.

► Standards for ambient air quality are intended and designed to prevent adverse impact to a receptor. Standards for source emissions are designed to not exceed the ambient air quality standards. If the ambient standard is exceeded while the source standard is not, then a further tightening of the source standard would be in order. Source emission standards are much easier to enforce than are ambient standards. The cumulative, total loading to the ambient airshed will be addressed in the application of ambient air quality standards. The standards will be written in guideline or objective form.

Background on Draft Regulation

The release of substances into the environment from storm drainage and wastewater systems was formerly regulated under the Clean Water Act, Clean Water (General) Regulation, Clean Water (Municipal Plants) Regulation and Water Resources Act (permits and licences). The Substance Release (Stormwater and Wastewater Systems) Regulation was to regulate the release of substances from storm drainage and wastewater systems. This regulation is now called the Wastewater and Storm Drainage Regulation.

Overview of What You Said

- ▶ Municipalities consider it essential that industrial discharges be monitored and high risk industries be licenced. It was felt this would ensure compliance with set regulations and reduce the pressure placed on municipalities responsible for their water systems. Municipalities also felt that municipal licencing of industries was unnecessary and complicated. Licencing should be directed to one central licencing body which would work within the specific standards set for each industry.
- ▶ Numerous respondents questioned who would be accountable for problems that arose with a wastewater system. They suggested definitions, guidelines or criteria are needed to ensure that there is a clear understanding of responsibility. Some respondents felt that it would be inappropriate to have operators liable for contraventions.

Action Taken to Redraft Regulation

- ▶ The comments are valid. Alberta Environmental Protection is considering a guideline to assist municipalities in developing sewer-use bylaws for municipalities accepting industrial discharges. The definition of "industrial plant" under the Substance Release (Industrial Plants) Regulation excludes any plant discharging to a municipal system.
- ▶ In the regulation, the words "person responsible" were inserted. This section, used in conjunction with "owner" as defined in the regulation, places responsibility for dealing with problems directly on the "person responsible". Accountability for problems would depend on the nature and circumstance of the problem. Therefore, it is considered necessary and desirable to have all parties that could be responsible for a contravention listed in the regulation.

Overview of What You Said

Action Taken to Redraft Regulation

► Potential for confusion was identified about who “owns” a wastewater system. The term “own” is too restricting and should not be limited to municipalities; privately-owned utilities should be included.

► Nearly all respondents agreed that having certified system operators is essential and some level of certification is required. The regulation should specify that a Director may only issue a certificate if certain listed qualifications are met.

► Guidelines and standards established for substance release into stormwater drainage and wastewater systems should be updated at regular intervals. These guidelines and standards should include proper design specifications for wastewater and storm drainage systems to prevent unwanted substances from entering the systems. A list of prohibited substances including maximum concentration levels could be developed to establish allowable releases.

► The term “owner” now clearly defines who the owner is for the various types of municipal wastewater systems under this regulation. The owner may be a municipality, a person (in the case of a “privately-owned development” as defined in the regulations), a group or co-op in the case of a municipal (rural) development, a regional services commission, or a privately-owned utility that owns and operates a system.

► The regulation specifies that a Director may issue a certificate only if the person is qualified in accordance with the “Water and Wastewater Operators’ Certificate Guidelines” published by the Department. Conditional certificates may be issued for smaller systems.

► The regulation reflects Alberta Environmental Protection’s philosophy that municipalities and owners of wastewater systems must be accountable for what they allow into their wastewater or storm drainage systems. The Municipal Government Act enables them to develop and enforce a sewer-use bylaw. This matter will be resolved in future discussions with municipalities.



Background on Draft Regulation

The release of liquid wastes into the environment from industrial plants was formerly regulated under the Clean Water Act and the Clean Water (General) Regulation. The draft Substance Release (Industrial Plants) Regulation was to regulate these releases. The name of this regulation was changed to Industrial Plants Regulation.

Effluent standards were not specifically listed in the old regulations and are not listed in the new ones because they are dealt with in approval terms and conditions. Alberta Environmental Protection uses what is known as "Best Available Demonstrated Technology" (BADT) as a minimum standard.

Overview of What You Said

► Among those who provided submissions, many were concerned with the absence of regulated standards for industrial plant emissions. They feared that without standards, the "rules of the game" would constantly change. This uncertainty, it was felt, could have an effect on potential new investment in Alberta. The possible need for constant upgrading could also put existing plants at a competitive disadvantage to similar industries in Canada and around the world.

Action Taken to Redraft Regulation

► BADT is consistent with the Department's goal of minimizing discharges to the environment. One of the objectives is to emphasize control of wastewater versus treatment of wastewater. This objective of "prevention by control" rather than "cure by treatment" reflects the continued development of BADT as implemented through terms and conditions of approvals.

Overview of What You Said

Action Taken to Redraft Regulation

- ▶ A number of respondents questioned who would determine what is BADT. It was suggested that Alberta Environment should not be assessing the suitability of technologies. Rather, Alberta Environment's job should be to set effluent standards; industry should determine which technology is best suited to achieve those standards.
 - ▶ A few people commented on the definition of "industrial runoff". They felt the definition should only pertain to runoff that occurs from the industrially-developed area, not the entire lease area.
 - ▶ A number of respondents expressed concern about industrial plants discharging into a municipal wastewater system. They questioned whose responsibility it was to determine whether a plant is exempt from requiring an approval and who would determine what constituents are being discharged into the municipal system.
 - ▶ Certification of industrial wastewater treatment facility operators was also discussed by several people. It was felt that certification of such persons should be required by the regulation.
- ▶ It is the Department's intent to, as much as possible, evaluate BADT on an industry basis rather than an individual company basis. Industry standards and requirements can be best handled by guidelines specific to industry categories. The guidelines can then be upgraded as BADT develops.
 - ▶ The definition of "industrial runoff" was changed to reflect this concern. The new definition should achieve the objective stated, in conjunction with Department policies which expect diversion of off-site runoff around developed plant sites by berming, and collection of runoff from developed areas.
 - ▶ Industrial discharges into municipal wastewater systems are regulated by Alberta Environmental Protection indirectly through the standards imposed on municipal treatment systems. The responsibility for and management of these systems is left to each individual municipality.
 - ▶ This issue resulted from poor presentation of the definitions and requirements for industrial plants and municipal systems in the draft regulation. In the short-term, the Department believes that industrial potable water treatment system operators should be certified. Industrial process and sanitary wastewater treatment system operator certification will be deferred until the need and desirability of such a program can be evaluated.

Background on Draft Regulation

The reporting of releases in Alberta was formerly regulated by the Clean Water (General) Regulation, Clean Air (General) Regulation and the Hazardous Waste Regulation. Release reporting provisions of these regulations have been consolidated in the new regulation to provide consistent requirements for all types of releases. Reportable quantities reference related federal legislation, namely the Transportation of Dangerous Goods Act (TDGA) and the Canadian Environmental Protection Act (CEPA).

The new regulation sets out the types of releases which require written reports to the Department. The Environmental Protection and Enhancement (Miscellaneous) Regulation identifies offences in relation to reporting.



Overview of What You Said

► Many concerns were raised regarding the immediate verbal reporting of spills. It was felt that the immediate reporting requirement may stand in the way of industry reducing the risk of the emergency and taking action to contain or eliminate the release.

Action Taken to Redraft Regulation

► Alberta Environmental Protection needs to know about all releases immediately from all industries in all situations, the concern being a possible emergency situation. The Department recognizes that all details of the release may not be available at the time of the initial phone call; however, further information can be included in the written report or through a follow-up call. As a result, no changes to the regulation were made to address this issue. Consideration was given to amending the Act by incorporating a notwithstanding clause referencing that immediate reporting will not restrict the actions required to reduce the emergency associated with the release.

Overview of What You Said

► Many respondents from the industrial sector expressed concern that the draft regulation was too encompassing, requiring even small releases to be reported. It was suggested that more definite criteria should be set for the size and quantity of a reportable spill. More specifically, what is a reportable quantity? Industries requested that the current Energy Resources Conservation Board (ERCB) provisions for release reporting be adhered to.

► Many small releases occur during the normal operation and maintenance of natural gas and oil processing and delivery systems. Industry requested exemptions for many of these routine situations so as to not overwhelm Alberta Environment with reports about releases that are small, of short duration and of negligible environmental impact. Could there be provisions which specify that spills contained on-site are exempt from the reporting requirements?

► It was suggested by some respondents that the list of substances from TDGA and CEPA should be included in the regulation.

Action Taken to Redraft Regulation

► "Reportable quantities" are defined in the regulation. Generally, anything in excess of the amounts set out in TDGA or CEPA is reportable. There may be further clarification on specific reportable substances in facility approvals.

► No changes were made to the regulation to address this concern; however, a guideline for the regulation is being considered to define containment and what may be reportable in these circumstances.

If a spill is fully contained on-site with no chance of adversely effecting a watercourse or underground water, or causing off-site odors, then reporting to the Department is not required under the regulation.

► The rationale for not having included the lists (i.e., toxic, prohibited and restricted substances) was that these lists are under constant revision either through addition or deletion of substances named in the regulations under TDGA or CEPA. Continuous updates of the regulation are not practical for maintaining consistency.

Overview of What You Said

- ▶ A concern was raised with the vagueness of reporting requirements based on "any quantity" and "all" quantities or levels as referenced in the regulation and in TDGA.
- ▶ Numerous concerns were raised regarding the proposed clause requiring reporting of flaring events which cause or may cause an adverse effect. Respondents indicated that guidelines must be set so that only significant flaring events must be reported.
- ▶ Many concerns were expressed regarding the need for formal documentation of small releases which had no significant impact on the environment.

Action Taken to Redraft Regulation

- ▶ This section of the regulation was clarified requiring that substances classified as Class 2 dangerous goods which are released to the environment, be reported.
- ▶ Given the widely-varying nature of potential flaring situations, it was decided that regulations may not be the best place to define limits for flare reporting. Approval conditions on reporting limits for flaring releases could take into account "adverse effect" based on specific facility data: location, stack height, pollutant volumes, constituents, etc. As a result the clause on flaring was deleted in the redrafting of the regulation. Reporting limits for flaring events will be considered through approvals on a facility-by-facility basis.
- ▶ This section of the regulation was amended to allow the Director to waive the requirement to submit a written report of a release. This would occur upon request by the person responsible to report the release, and would be on the conditions that:
 - ◆ the oral report received was satisfactory;
 - ◆ no adverse effects were likely to occur as a result of the release;
 - ◆ and, any adverse effects caused by the release were controlled satisfactorily.

Overview of What You Said**Action Taken
to Redraft Regulation**

► Several respondents questioned whether verbal and written reporting requirements for exceeding ambient air guidelines would continue under the new Act and regulations; the draft regulations did not reference this requirement. (Verbal reporting within 24 hours and written reporting within 72 hours is required through the Air Monitoring Directive.)

► The Release Reporting Regulation does not specify that ambient air readings in excess of the guidelines are reportable. The Air Monitoring Directive will be used for this purpose.

Background on Draft Regulation

The intent of the Conservation and Reclamation Regulation is to ensure that land is returned to the equivalent capability it had prior to being disturbed by industrial activities. The regulation establishes provisions for continuing the Conservation and Reclamation Council, reclamation inquiries, applications for reclamation certificates, environmental protection orders and appointments of local conservation and reclamation officers. Provisions from the Conservation and Reclamation (Securities) Regulation have been moved to this regulation.



Overview of What You Said

- ▶ A vast majority of industry respondents were opposed to the 25-year liability period for operators of specified lands. Industry asserted that it would be unfair to hold a company potentially responsible for the actions of subsequent users.
- ▶ Numerous companies suggested Alberta Environment focus on developing more detailed standards for issuing reclamation certificates. Reclamation guidelines should be developed together with major stakeholders.
- ▶ Many oil companies requested clarification of the “reclamation of land” definition. These respondents were particularly interested in the objectives of reclamation, and how reclamation will relate to the interim and final abandonment of sites. Some companies suggested Alberta Environment should work with major stakeholders to develop a concise definition of reclamation.

Action Taken to Redraft Regulation

- ▶ This section of the regulation was not changed. The 25-year liability for plant sites must be maintained to protect the public interest after a reclamation certificate is issued. Public funds should not be used to correct unforeseen problems.
- ▶ Standards will be described through guidelines issued under regulation (i.e., not in the regulation itself). This allows the flexibility to modify and update standards. Guidelines will be developed with stakeholders.
- ▶ The definition for “reclamation” was reworded to be consistent with the Act and to specify the objective of achievement of equivalent land capability. Removal of the words “upon abandonment” will allow reclamation to be completed in some cases prior to abandonment (e.g., pipelines). Removal of the reference to “planning and conducting an activity” makes it clear that

Overview of What You Said

Action Taken to Redraft Regulation

► Substantial concern was expressed about the lack of qualifications and training for local conservation and reclamation inspectors from municipalities. It was felt that adequate staffing is important to ensure timely examinations for the issuance of a certificate.

► Views were divided on whether the administrative transfer and delegation of certain responsibilities (issuance of reclamation certificates, inquiries, Environmental Protection Orders) should be given to Forestry, Lands and Wildlife with respect to Crown lands. Some believed this provision posed no problems, while others insisted a conflict of interest could develop.

► Several respondents commented that the definition of "equivalent land capability" was vague and open to interpretation.

reclamation can occur throughout the life of an activity.

► Qualifications and training should not be addressed in regulations but rather in the administration of regulations. Local authorities are to ensure that conservation and reclamation inspectors are qualified and trained to conduct reclamation inquiries. Local authorities may remove local conservation and reclamation inspectors who are not performing their duties properly.

► This section of the regulation was changed to reflect the new composition of the Department which includes most of the old Forestry, Lands and Wildlife Department. Agriculture conservation and reclamation officers will deal with public land matters in the White Area of the province.

► A definition of "land capability" was added to the regulation.

Background on Draft Regulation

The Land Surface Conservation and Reclamation Act currently allows for the establishment of committees. The current Crown Mineral Disposition Review Committee (CMDRC) which reviews requests for mineral rights and related environmental concerns will continue to exist. The Exploration Review Committee and the Development and Reclamation Review Committee identified in the Land Conservation Regulations become one committee called the Conservation and Reclamation Review Committee. The Reclamation Research Technical Advisory Committee (RRTAC) set up to conduct and coordinate reclamation research and currently not recognized in legislation, will be formalized. The operation and conduct of these committees has been left to administrative practice and are no longer dealt with in the regulations.

Conservation and Reclamation (Security)

Background on Draft Regulation

Provisions relating to the payment of security deposits were formerly listed under the Security Deposit Ministerial Regulations and the Land Surface Conservation and Reclamation Regulation. In the drafting of the regulations, the requirement to provide security deposits for reclamation costs were included as part of the Conservation and Reclamation (Security) Regulation. The regulation contained a new provision allowing security to be collected for activities on specified lands that do not require a formal approval (e.g., wellsites). In the final version of the regulations, all security provisions are part of the Conservation and Reclamation Regulation. There is no longer a separate regulation for security issues.

Overview of What You Said

Action Taken to Redraft Regulation

► The two security questions in the regulatory outline prompted a large number of comments from industry and individuals. With very few exceptions, responses were identical. It was believed that oil and gas wellsite operators should be required to provide financial security at a level equal to the cost of reclamation, and that part of this security or the interest generated should be deposited into a special fund to provide for the reclamation of orphan oil and gas wellsites.

► A number of people expressed concern about how the security would form part of the proposed Environmental Protection Security Fund, and how interest on the security would be paid. It was thought that funds should be returned to the operator after a specified period.

► The ability to collect security for activities that do not require a formal approval (e.g., wellsites) will be retained in the regulation.

Security collected for reclamation must be returned if reclamation is successful. Orphan wells and funds to reclaim them will have to be addressed under a separate initiative.

► When security is forfeited to reclaim land, the security is transferred from the Environmental Protection Security Fund to the Environmental Protection and Enhancement Fund for distribution. When security is returned, interest on cash deposits accrues to the security holder.

Return of the funds must be based on successful reclamation rather than a specific time frame.

Overview of What You Said

► Several people believed it would be financially prohibitive for some companies to provide large security deposits up-front because of the many sites that are owned. Some individuals also believed that the security deposit requirement would impose an additional financial burden on existing facilities and could leave open the possibility that a company would walk away if reclamation costs exceed the deposit amount.

► A number of people indicated that the Director is given too much discretionary power concerning exemptions from a security deposit. More definitive criteria should be included in the regulation to assist the Director to consistently apply the regulation.

► Several people noted that the definition of "operator" in the regulation was different than in the Act.

Action Taken to Redraft Regulation

► The form of security is flexible and does not have to be cash. The government believes it is necessary that the security match the cost of reclamation so that there is no public liability if an operator does not reclaim the land.

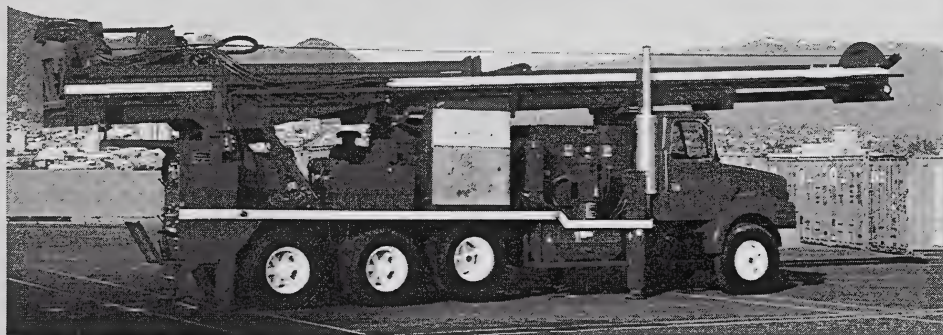
Companies will be required to cover the entire cost of reclamation so that public funds are not needed if the operator "walks away". Even if a company walks away, the government can pursue it for any balance of the reclamation liability.

► The Director's exemption power in the regulation has been deleted.

► The definition of "operator" in the regulation is consistent with the Act definition.

Background on Draft Regulation

Previously, water well drilling, construction, maintenance and reclamation were regulated by the Ground Water Development Act, Ground Water Development General Regulations (and amendments), Water Well Drilling and Construction Regulation and the Ground Water Development Forms Regulation. The new regulation deals specifically with water well drilling and groundwater development. Matters will be regulated by separate approval classes with approvals limited to a one-year term. The new regulation is called Water Well Regulation. Security provisions for water well approvals are found in the Environmental Protection and Enhancement (Miscellaneous) Regulation.



Overview of What You Said

► Many drillers were concerned with the need for security deposits when drilling wells. It was felt that small companies would have difficulty funding these deposits and that this requirement would limit opportunities for new drillers, small operators and part-time drillers. Increased yearly licence fees or payment of costs after environmental damage had been done and assessed were suggested as alternative methods to deposit collection. In contrast, a number of water well owners felt that security deposits should be required from drillers to ensure that wells meet the licence requirements.

Action Taken to Redraft Regulation

► There is a need to have a source of funds for remedial action on wells that have not been constructed to standards and pose an environmental threat, particularly when a driller refuses to comply with an Enforcement Order or Environmental Protection Order. As a result, security requirements have been made consistent with other security provisions in the regulations.

Overview of What You Said

- ▶ Casing size was a concern to many drillers. A large portion of the respondents did not favor increasing the inside diameter (I.D.) casing size because of equipment replacement cost implications. Resulting increased drilling costs would mean higher costs to owners. Furthermore, by requiring a larger I.D. casing, businesses such as cable tool contractors would be eliminated.
- ▶ Several respondents were concerned with risks associated with abandoned wells. It was felt that some owners hesitate to reclaim wells because of the expense, potentially jeopardizing public safety and increasing the groundwater contamination risk. To ensure proper reclamation, they suggested enforcement is needed. Enforcement techniques mentioned included fines for environmental damage, posting of bonds for relicensing of drillers and closer groundwater monitoring to protect against contamination.
- ▶ There were a few concerns with the licence classes listed. It was suggested the regulation should specify that a Class "A" licence also includes Classes "B" to "E" and that the terms and conditions for all licence classes should be set. All wells should be licenced regardless of who owns the equipment or the land. Journeyman restrictions allowing only one Class "A" licence at a time were questioned.

Action Taken to Redraft Regulation

- ▶ In response to the majority of submitters who agreed with this concern, the regulation was revised to allow a minimum inside casing diameter of 4 inches.
- ▶ The Department agrees that more serious and strict enforcement of the regulations is required. The regulation differentiates between inactive wells and abandoned wells. Inactive wells intended to be used in the future will have to be maintained in keeping with the regulation. Abandoned wells must be reclaimed.
- ▶ Clarification of the kinds of work that could be done under each approval class was needed. As a result, each approval class was further defined (see accompanying Table #2) by specifying the kind of work that can be done under each. Conditions for all classes were also set. Restrictions allowing only one approval class at a time were deleted.

TABLE #2: APPROVAL CLASS DESCRIPTIONS

APPROVAL CLASS	DESCRIPTION
Class A	<ul style="list-style-type: none"> • Drilling of wells for the diversion and use of groundwater as specified in the Water Resources Act • Includes all work done under Classes B, C, D, and E
Class B	<ul style="list-style-type: none"> • Drilling of wells (by digging) for the diversion and use of groundwater as specified in the Water Resources Act
Class C	<ul style="list-style-type: none"> • Drilling of wells for the purpose of obtaining groundwater data or special groundwater investigations not related to Classes A or B
Class D	<ul style="list-style-type: none"> • Reconditioning of wells
Class E	<ul style="list-style-type: none"> • Drilling of wells to a depth of not less than 450 metres to obtain mineralized water for non-domestic purposes

Overview of What You Said	Action Taken to Redraft Regulation
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► The time frames stated in the regulation were questioned by a few respondents. It was felt that 30 days was not sufficient to forward a copy of the Water Well Driller’s Report to the Director. The time frame should be returned to 60 days. Some suggested a time period be established to determine when the responsibility of a new well is no longer the driller’s but the owner’s.

► Landowners were concerned with the qualifications of drillers. A few felt the regulation should state that all drillers must be “certified” not just “qualified”, and that completing an apprenticeship was not a stringent enough qualification.

► Concerns related to environmental damage were raised about landowners drilling their own wells.

► The Department agreed to change the submission time for the Water Well Driller’s Report to 60 days.

The Environmental Protection and Enhancement (Miscellaneous) Regulation provides a definition for a person responsible for a well.

► To address this concern, the definitions were changed to reflect recent revisions to legislation by Alberta Labour. Text was modified to clarify the intent of who should be allowed to operate a drilling machine.

► Landowners are also subject to the regulations when drilling their own wells.

Overview of What You Said**Action Taken
to Redraft Regulation**

► Some submitters were concerned that a mandatory test for well yield would increase the total cost of well construction.

► It was judged that testing of well yield was required to establish whether or not the well would be capable of meeting the well owner's water requirements.

Background on Draft Regulation

Potable water was formerly regulated by the Clean Water Act, Clean Water (General) Regulations, Clean Water (Municipal Plants) Regulation, Fluoridation Regulations and the Public Health Act. The new Potable Water Regulation deals specifically with drinking water quality and the requirements, guidelines and standards that will be implemented to ensure the public of safe drinking water.



Overview of What You Said

► Some respondents felt fluoridation of drinking water should be prohibited until more is known about its long-term effects. It was suggested that studies should be conducted to determine the cumulative effect of fluoride on individual consumers from various sources and the effects fluoride has on the body.

Action Taken to Redraft Regulation

► Alberta Environmental Protection adopts Health and Welfare Canada's Guidelines for Canadian Drinking Water Quality as the minimum quality requirements for potable water in Alberta. These guidelines, which are reviewed and updated on an ongoing basis, are used to establish the acceptable level of fluoride addition to potable waters. As noted in the latest edition of the guidelines (the 4th edition, 1989), the limit for fluoride is currently under review to determine if it needs adjustment based on factors such as recent health effects data and changes in total intake or exposure. Alberta Environmental Protection will adopt any changes required to comply with recommendations from this review.

Overview of What You Said

► To ensure water quality, it was suggested that drinking water should be tested at regular intervals, and water quality guidelines or criteria developed. These guidelines should be reviewed regularly to ensure standards remain current.

► There were many comments regarding the definitions section of the regulation. Many respondents felt greater clarity and more detailed specifications were needed. In particular, the concept of an “approved laboratory” caused confusion. Which laboratories are approved, and what process is used to certify a lab as approved?

► Several individuals recommended the roles and responsibilities of Alberta Environment and Alberta Health be clearly defined to eliminate potential confusion. A few respondents found the regulations contradictory to and repetitive of the Public Health Act. It was suggested that Alberta Health assist Alberta Environment in establishing the Potable Water Regulations to prevent overlapping of guidelines and standards.

Action Taken to Redraft Regulation

► The regulation was enhanced to allow the Director the discretion to specify which parameters are to be tested, the manner in which they are collected and the frequency of submission. These “minimum” requirements are written into the environmental approvals issued for waterworks system operation. These approval criteria are reviewed on a regular basis.

► Several revisions were made in the definitions section to reflect public input, namely “groundwater”, “municipal development”, “owner”, and “privately-owned development”.

With respect to “approved laboratory”, after much discussion and input, the Department opted to define an “approved laboratory” as one which uses “approved analytical methods” (also defined), rather than pursue the onerous task of locating and certifying each individual water testing laboratory in Alberta. The existing definition will be retained on the basis that the proper use of proven analytical methods should ensure reliable analytical results.

► It is the Department’s responsibility to set drinking water quality and treatment standards, review and approve waterworks systems, and monitor and assess the results of the treatment process. Also, the role of interpreting water analyses and the resultant health effects has been and is currently the responsibility of the Department under the Clean Water Act. This responsibility was transferred from Alberta Health when the Department of Environment was formed in 1971.

Overview of What You Said

Action Taken to Redraft Regulation

Alberta Health has a support role to play particularly in emergency situations. This role can be sustained in the future under the Act; therefore, no conflict is anticipated.

► A few respondents thought that the requirement of having spare parts “available at all times” in case of a waterworks system malfunction was vague and should be eliminated.

► This clause was reworded to specify that critical spare parts should be “reasonably available”.

The intent of this clause is to ensure that persons responsible for a waterworks system have quick access to critical operating parts. Such parts include disinfection equipment (pumps, gas chlorinators) or other critical components (well pump where only a single well is in service, or filter monitoring valves where only a single filter is in use at any one time).

In general, this type of clause is considered important to protect both public health and the integrity of a waterworks system and thus has been retained in the final draft.

Background on Draft Regulation

Beverage containers were formerly regulated by the Beverage Container Act and the Beverage Container Regulation. The draft regulation established a common beverage container collection system and a beverage container recycling fund. Changes were also suggested for handling commissions and deposits. The draft regulation did not include the return of milk or TetraBrik (juice-box) containers. A proposal to include domestic beer containers in the current collection system was highlighted in the regulatory outline. Under this proposal, beer containers could have been returned to depots or retailers for a full cash refund.

General Comments

Most stakeholders in the container recovery system supported the proposed common beverage container collection system.

Albertans strongly favored regulations that require additional types of beverage containers to be returnable. More than 30,000 Albertans signed petitions and sent in cards and questionnaires requesting beer, milk and TetraBrik containers be included in the beverage container refund system. Submissions stressed that standardization and container reuse should be cornerstones of waste minimization.



This regulation was passed in a revised form and is now called the Beverage Container Recycling Regulation. It is considered temporary pending discussions with the stakeholders in the beverage container recovery industry concerning the creation of an industry-based delegated regulatory organization. If discussions are successful, a new regulation will be written as soon as possible giving the administration of the recovery system to the delegated regulatory organization. Handling commissions would be replaced with market and material-based, negotiated handling fees.

Overview of What You Said

Action Taken to Redraft Regulation

► The Canadian Grocery Distributors were adamant that milk should remain exempt because of the potential costs to the consumer.

► TetraPac manufacturers and juice manufacturers who use this type of packaging recommended an alternative collection system to the depot system for the collection of their material.

► A collection, sorting and handling system based on material type as opposed to manufacturer was seen as a positive step, potentially leading to the collection of other types of containers such as juice boxes (TetraBrik) and metal food containers.

► The proposal to establish a recycling fund prompted responses from a number of industry associations. These associations believe the fund should be managed by the private sector. The Alberta Soft Drink Association proposed to establish a beverage container corporation which would manage the fund and recover materials for recycling.

► Most respondents stated that the container deposit amount should be the same for all containers, regardless of type or manufacturer. Standardized deposits would reduce confusion for depot operators and consumers.

► Milk is exempt while discussions take place concerning the recycling of milk containers and possible impacts on consumers and the dairy industry.

► Aseptic packaging (beverage boxes or Tetra Brik containers) are exempt until a later date.

► Beverage manufacturers covered by this regulation are to establish a common collection system for all non-refillable containers. Efficiencies in container sorting are to be built into the system. The scope of the recovery system will be evaluated once this has been done.

► The beverage container funds are currently managed by the beverage industry. The Department supports the principle of product stewardship and in cases where recycling funds are required, the management of these funds should be done by industry.

► The deposit structure will remain as it was:

- ◆ minimum 5 cents each for containers with a capacity of 1 litre or less, and

Overview of What You Said

- ▶ The Alberta Bottle Depot Association felt the handling commission of 3.5¢ per container was too low in light of handling, sorting and storing costs. The Alberta Soft Drink Association felt the commission was too high.

- ▶ Several respondents suggested the government should ban containers that cannot be reused or recycled. At the very least, government should set standards as to the type of material for containers in order to make recycling easier. Many people questioned why beverage containers brought in from other provinces or States are not refundable through Alberta bottle depots.

- ▶ Brewers made submissions to retain exemptions.

- ▶ A number of people suggested another, more precise name for the regulation: "Beverage Container Regulation".

Action Taken to Redraft Regulation

- ◆ minimum 20 cents each for containers with a capacity greater than 1 litre

- ▶ The handling commissions will be the ones submitted to the government as agreed upon by the Alberta Soft Drink Association, the Alberta Liquor Control Board and the Alberta Bottle Depot Association:
 - ◆ all products presently at 2.75 cents to 3 cents;
 - ◆ all products presently at 4.55 cents to 5 cents; and
 - ◆ imported beer presently at 3.3 cents to 3.55 cents.

- ▶ Regulations governing packaging, size, shape and material type can be drafted if National Packaging Protocol objectives are not met. Any regulation will be harmonized among all provinces and with the federal government.

- ▶ Beer and beer containers manufactured or imported into Alberta by Alberta beer manufacturers and which are returnable to Alberta beer manufacturers or their agents are exempt from this regulation.

- ▶ This regulation will be called the Beverage Container Recycling Regulation.

**Approximately
8,000
signatures
were received
on the
following
petition:**

Currently the Alberta Beer Industry is not regulated under the Beverage Container Act. New regulations proposed by the Alberta government will continue to exempt the Alberta Beer industry from this legislation.

Most consumers use bottle depots to return their domestic beer containers, yet they do not receive a full refund on these containers.

It is unfair that the Alberta Beer Industry is not required to support this successful recycling program, which all other beverage manufacturers are a part of.

As a consumer, I believe that Alberta beer containers should be included in the Beverage Container Regulations, and that bottle depots should refund the full deposit paid on all beer containers.

**Approximately
11,000
signatures
were received
on the
following
petition:**

The Government considers milk to be a food product and not a beverage. As a result milk containers are not charged a deposit (which can be refunded at a bottle depot) even if the milk is in a container identical to one filled with juice.

Most of our empty milk containers are going directly into landfills and garbage dumps rather than being recycled.

I believe that milk should be included in the Beverage Container Regulations even if there is an increased cost to the consumer. This will facilitate the recycling of these materials.

Approximately 8,000 signatures were received on the following petition:

Currently Beverage Manufacturers who sell their product in TetraPac (cardboard) containers are not regulated under the Beverage Container Act.

As a Beverage Manufacturer they should be required to support this successful recycling program regardless of packaging.

As a consumer, I believe that TetraPac Beverage Containers should be included in the Beverage Container Regulations, and that a deposit should be charged to encourage the return for recycling of these containers.

Approximately 2,000 signatures were received on the following cards:

Dear Mr. Minister:

I recently returned some soft drink and beer bottles and cans to an Alberta bottle depot. I received the full refund of the deposit I paid on the soft drink containers but only part of the deposit on the beer bottles and cans.

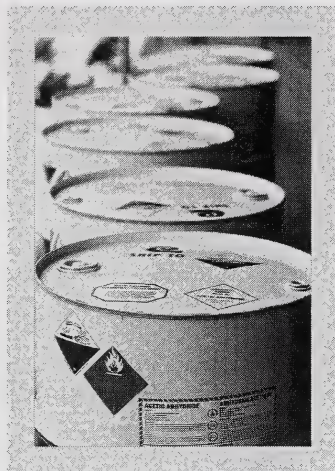
Can you explain why?

I should get my full refund on all bottles and cans I return to a depot. The breweries should pay full deposits, like other beverage producers do for their containers returned through the depots.

Hazardous Recyclables

Background on Draft Regulation

The proposed Hazardous Recyclables Regulation was to control the treatment, storage and recycling of hazardous recyclables. It was to update and consolidate sections of the Clean Water Act, Clean Air Act and the general regulations under those Acts. These provisions have been transferred to the new Waste Control Regulation.



Overview of What You Said

► Many respondents were concerned that the draft regulation did not define “hazardous recyclable”. As a result, it was unclear how the regulation would affect re-refining, separation and reduction processes in the oil and gas sector. It was also not clear which hazardous waste materials could be classified as hazardous recyclables.

► Many industries did not support the requirement to obtain the Minister’s written authorization to import hazardous recyclables into Alberta. A number of people wanted to know what criteria would be used to import hazardous recyclables and what system was proposed for obtaining written Ministerial authorization. Depending on the procedure, companies which consolidate their hazardous waste recovery processes could be forced to wait for long periods until permission was granted. This could cause industries to look elsewhere for a cheaper, more timely and efficient system.

Action Taken to Redraft Regulation

► All hazardous wastes which are recycled are now defined as hazardous recyclables. The Act contains the definition for hazardous recyclable. Oil and gas sector wastes that are recycled will not be regulated as hazardous recyclables as these wastes are not regulated by the Act.

► The restriction on the importation of hazardous waste for recycling without the Minister’s consent was retained. All requests received to accept out-of- province hazardous wastes will be screened to prevent “sham recycling” where most of the material could be disposed.

Overview of What You Said

Action Taken to Redraft Regulation

► Some respondents were concerned with the security deposit requirement to cover reclamation, inventory removal, closure and post closure care costs. How much security would be required, in what form and when? After how many years would security be returned once closure had occurred? Several people wondered how these regulations would affect the collection and re-refining of used motor oil, since heavy metals are found in motor oil and could be subject to the new regulations.

► Several comments were made regarding standardization of shipping documents (manifests) between provinces and the Federal Government. Alberta Environment, it was suggested, should consult with other provinces to standardize requirements, making transborder shipping less cumbersome.

► Several people commented on the proposed exemption for small quantity generators (persons generating less than 5 kilograms of solid, or 5 litres of liquid hazardous waste per month). These people felt all generators must comply with proper storage, handling and disposal requirements. No exemptions should be allowed. There was also the suggestion that this exemption was too small for hazardous recyclables and was an impediment to implementing effective programs for hazardous waste recycling.

► The amount of security would be based on an estimate provided by the proponent and subject to the Director's approval. The security would be returned upon satisfactory completion of conservation and reclamation activities. Facilities collecting and re-refining motor oil would be required to provide financial assurance.

The means for establishing the amount of financial security and the conditions for return or forfeiture of security are dealt with in the regulation.

► The manifest form in Alberta conforms to federal standards and is the same form that is used by other provinces.

► The small quantity exemption provided for waste generators does not mean these wastes are not regulated. There are other provisions such as those dealing with littering or release of substances that will be used in the event that waste in this quantity causes an adverse effect.

The small quantity exemption for hazardous recyclables was increased to 205 litres or 205 kilograms.

Hazardous Waste

Background on Draft Regulation

Hazardous waste products were formerly regulated under the Hazardous Chemicals Act — Hazardous Waste Regulation. Storage and handling facilities required permits and licences under the Clean Water Act, Clean Air Act and their associated regulations.

New or modified regulatory provisions include restrictions on land disposal of hazardous waste. Changes to the hazardous waste definition have been made by reference to a schedule containing a list of substances and a list of criteria used to classify wastes as hazardous or not. Hazardous waste importation for disposal is prohibited, while storage of waste beyond 30 days requires the consent of the Minister. All provisions from this proposed regulation have been transferred to the new Waste Control Regulation. There is no separate regulation for hazardous waste.



Overview of What You Said

► Many industries expressed concern about the elimination of the exemption for many of the oil and gas industry's oil-based wastes, noting this could add millions of dollars to the cost of hazardous waste disposal with minimal improvement to the environment. It was felt waste characterization would also add significant costs to disposal. In contrast, some people expressed concern that certain wastes that are exempt now, should not be.

Action Taken to Redraft Regulation

► The Department reviewed this issue and agreed that oilfield wastes should receive the same care and management as similar waste produced by others. In the interest of maintaining a one-window with government, the ERCB will be given the responsibility for regulating oilfield wastes. Industries will be able to formally "de-list" wastes after enough analytical information is developed to show that a waste does not meet the definition of hazardous waste.

Overview of What You Said

Action Taken to Redraft Regulation

► Some people indicated that by removing certain waste exemptions and by prohibiting certain disposal practices, companies were being forced to dispose of their wastes at Swan Hills. It was believed this would create a disincentive for new business to handle hazardous waste and to develop new hazardous waste recycling technologies.

► Views were divided on the Minister having sole responsibility for hazardous waste importation into Alberta.

► A few respondents noted wastes from emergency spill clean-ups appear to be exempt from proper transportation, storage, disposal and other handling requirements. A definition of what constitutes "emergency spill clean-up" is required.

► Concerns were raised regarding the extensive laboratory testing and analysis work required to determine if a waste meets the hazardous criteria set out in the draft.

► Concerns were raised regarding the deletion of guidelines for waste management facilities from the draft.

After this decision is made, no further testing will be required if no change occurs in how the waste is produced.

► The waste control strategy set out in the Act deals with waste reduction, recycling and proper treatment and disposal. Certain wastes may have to be sent to Swan Hills if that is the only option available for managing those wastes safely within the concept of protection under the Act.

► Because of the mixed response received on this issue, no changes were made.

► Emergency spills may involve many different situations, such as truck roll-overs, pipeline breaks and tank ruptures. To speed cleanup, these wastes were exempted from time consuming paperwork requirements during the emergency, provided an investigator has authorized the handling of the debris with due consideration for protection of the environment.

► The draft was re-written to minimize the need for testing. A lengthy list of hazardous wastes was incorporated into the regulation. Also a list of wastes which will not be regulated as hazardous waste will be provided in a policy statement. These lists will be updated as necessary.

► Some guidelines already exist; others will be drafted using an open consultation process. The guidelines will form the basis for writing approvals.

Overview of What You Said**Action Taken
to Redraft Regulation**

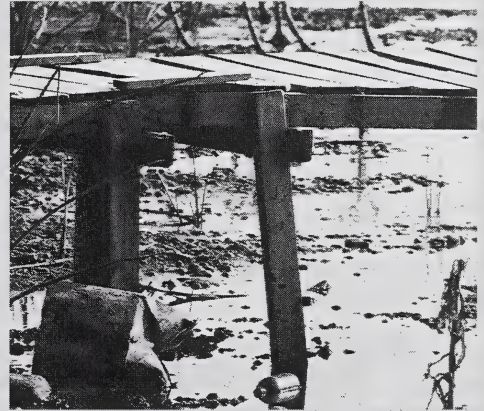
► Concerns were raised regarding the use of the Transportation of Dangerous Goods Regulation in defining hazardous waste. Some people felt that waste which posed transportation danger may not present significant environmental risks.

► The draft was rewritten to include only the wastes which are thought to pose significant environmental risks. For example the Class 9.3 (leachable) wastes are restricted to those which occur in a dispersable form. The list of Class 9.2 wastes has been reduced by moving many of these wastes to Class 9.3.

Background on Draft Regulation

Litter was formerly regulated under the Litter Act, the Litter Control Regulation and bylaws enacted by municipal authorities.

Under the Waste Control Regulation, anti-litter orders for the control of waste on highways, water, ice and on public and municipally-owned land are called Enforcement Orders, consistent with the Act. Cleanup orders are called Environmental Protection Orders. All provisions from the Hazardous Waste and the Hazardous Recyclables draft regulations were transferred to this regulation.



Overview of What You Said

▶ Although very few Albertans commented on this proposed regulation, those who did suggested government should do more to promote recycling and the development of recycling infrastructures and markets. More specific concerns related to designating abandoned motor vehicles as waste and locating refuse disposal sites near water courses. Several people pointed to specific garbage-creating activities (such as bingos) and suggested a recycling requirement.

Action Taken to Redraft Regulation

▶ Other than minor wording, the regulations dealing with abandoned motor vehicles were not changed. It was felt that motor vehicles were adequately covered in the definition.

The definition of "Waste Collection Containers" in the regulation is broad enough to cover various garbage creating activities. The Minister can require any person to provide waste collection containers for any purpose when requested to do so.

Pesticide Sales, Handling, Use and Application

Background on Draft Regulation

Pesticide sales, handling, use, application, storage and applicator licencing were formerly regulated by the Agricultural Chemicals Act and its two regulations, Pesticide Sales, Use and Handling Regulation and the Pesticide Applicator Licencing Regulation.

While the draft regulations released for public comment in September, 1990 proposed one pesticide regulation, two regulations have been developed:

- ◆ Pesticide (Ministerial) Regulation
- ◆ Pesticide Sales, Handling, Use and Application Regulation

Most provisions of the Agricultural Chemicals Act were moved to the Act and its pesticide regulations. The majority of revisions were made to streamline, clarify and update current regulatory provisions.

New initiatives include the requirements for businesses offering pesticide application services to obtain a service approval, and the recognition of the Province's pesticide container collection network within the regulation. In anticipation of changing pesticide technology, the new regulations require that pesticides cancelled by the federal government for further use must be accepted back by the registrant.

The new regulations eliminate the requirement for provincial pesticide research permits (regulated already by the federal government) and pesticide applicator medicals (medical monitoring information will continue to be provided to certified pesticide applicators and service approval holders). New regulations will specifically exempt antimicrobial pesticides, pesticides used exclusively for livestock pest management, and pesticides exempt from federal registration requirements from certification, approval and permit requirements. The regulations require that these pesticides be used according to label directions; provisions for "adverse effects" are the same as for all other pesticides.

Overview of What You Said

Action Taken to Redraft Regulation

▶ Approximately 25% of all submissions received suggested changes or improvements to this regulation.

▶ All submissions were reviewed, prompting the Department to make changes to more than half of the sections. Changes were made to improve the regulation (clarify certain sections) and reduce regulatory burden (eliminate sections covered elsewhere in provincial or federal legislation).

Overview of What You Said

Action Taken to Redraft Regulation

► A large number of industry people commented on the proposed pesticide storage guidelines. Although all agreed regulation is necessary, very few could determine what amounts (kilograms or litres of pesticide) should be subject to storage provisions. Storage requirements should probably be based on a sliding scale, depending on amounts and length of storage.

► The proposed pesticide schedules received comment mainly from the manufacturing sector. The majority of submissions referred to the criteria used to distinguish between Schedule 3 and 4 pesticides (domestic products). Most manufacturers agreed with simplifying schedules for retail vendors; however, many felt this simplification would exclude a number of products from Schedule 4 (the least regulated) without just cause. It was suggested Alberta Environment consider the products' toxicities and formulation types, and not rely solely on the indoor or outdoor use of the product when establishing pesticide schedules.

► Commercial pesticide applicators were concerned with the proposed prohibition of obtaining water from municipal water supplies for mixing purposes. It was considered far safer to obtain water from these accessible sources with readily available emergency response, than for example, to drive down a steep bank to a creek.

► All provisions for the storage of commercial pesticides were moved into the guideline "Procedures for Pesticide Storage" Provisions for the storage of domestic pesticides at retail outlets will be included in retail vendor approvals.

► In response to many concerns received on this issue, changes were made in the split between domestic pesticides to be regulated through vendor licensing (Schedule 3), and those to remain unregulated (Schedule 4). The prohibition on pesticide sales with "food" was modified to prohibit sales with "groceries" which covers fresh meat, fresh produce, fresh dairy products and unwrapped baked goods.

► This component of the regulation was revised. Unless a municipality has prohibited tank filling from a particular water source, it will be allowed provided that an air gap is maintained, and a person over the age of 16 capable of terminating the input of water or the output of pesticide solution is present at all times during filling.

Overview of What You Said

Action Taken to Redraft Regulation

► A number of respondents were concerned that no certification requirement existed for farmers. It was thought that farmers, the largest single users of pesticides in the province, have little specialized training in pesticide handling.

► Another concern of many respondents related to the service licencing exemptions provided for government agencies and local authorities. As many municipalities provide a pesticide application service to their residents (often in direct competition with private industry), similar service licence conditions and insurance requirements should apply.

► A large number of people commented on the proposed elimination of areas requiring permits, with the Green Area and forestry permit eliminations receiving the most comments. Most indicated Alberta Environment should not relinquish its authority for spraying on public lands, and that hearings on the forest management issue should be conducted by the Natural Resources Conservation Board (NRCB). A number of people said the

► Farmers who apply pesticides on their own land or on neighboring lands without monetary reward are exempt from certification requirements. Currently, a voluntary certification course for farmers is being offered through Alberta Agriculture, Food and Rural Development.

There appeared to be a general misunderstanding by most respondents that farmers were exempt from all regulatory requirements. All citizens are subject to the same penalties for pesticide misuse and resulting damages. Farmers are not exempt from having to use pesticides according to label directions and in a safe manner.

► After much discussion of this issue, service approval requirements were modified to include forest management, public parks, public recreation areas and rights-of-way to ensure consistency on public and private lands and to accommodate modifications to permit requirements.

► Although there was a general perception that the Department was relinquishing its authority over industrial spraying on public land, the Department will be maintaining control through the issuance of Service Approvals which will include the terms and conditions that are currently assigned through the Green Area Permit System.

Overview of What You Said

Action Taken to Redraft Regulation

goal of Alberta Environment should be to legislate the reduction and eventual elimination of pesticide use.

- ▶ Several respondents indicated that Alberta should establish goals to reduce pesticide use in the province.

- ▶ Some pesticide vendors expressed concern that wholesale records would have to be submitted to the Department annually.

- ▶ A few individuals and an association questioned why pesticide disposal licences were required simply to handle pesticides, when these same companies already require an approval to handle hazardous waste. This was considered an unnecessary regulatory hurdle.

▶ This issue was discussed further at a regulatory workshop held on April 29, 1992. Although it was agreed that reducing reliance on pesticides would be desirable, setting meaningful targets that would actually increase environmental protection would be very difficult. Regulations addressing reduction were not included, but regulatory programs will be designed to take this into consideration.

▶ Wholesale records will only have to be submitted on request of the Director, inspector or investigator in response to a concern. They will not have to be submitted on an annual basis.

▶ This issue was discussed further at a regulatory workshop held on April 29, 1992. Participants agreed that the disposal of pesticide waste should be subject to the Hazardous Waste Regulation. Pesticide concentrations that meet hazardous waste criteria will be disposed of accordingly.

The Pesticide Disposal Licence requirement was dropped; companies approved to handle hazardous waste will not need to obtain approval to handle pesticide waste.

Overview of What You Said

Action Taken to Redraft Regulation

- ▶ A few individuals questioned why pesticide notification provisions were not included in the regulation.
- ▶ A number of pesticide retail vendors were concerned that the requirement for obtaining and keeping records for "signable" pesticides would be overly burdensome.
- ▶ Registrants were concerned with the amount of information requested by the Department, citing the fact that this information is already submitted to Agriculture Canada as part of the registration system.

- ▶ Notification provisions are not included in the regulation as provincial requirements will not likely satisfy the concerns of all municipalities within the province. Municipalities are free to develop notification requirements to meet their local pesticide application programs.
- ▶ After discussions with a number of retailers and wholesalers to determine how this requirement would impact their distribution system, the "signable" requirement (where an actual signature of the purchaser was required) was changed to a "reportable" requirement. "Reportable" pesticides would still require retailers to maintain and submit to the Department records of purchases of certain pesticides (without a signature from the purchaser) within a specified period of time upon written request of the Director.
- ▶ Department staff reviewed the requirement and agreed. Changes to the federal pesticide registration system should allow easier access to data by provincial regulatory authorities. The regulations now require submission of information considered absolutely necessary by the Department.

Background

No regulations have been drafted with respect to contaminated sites. However, provisions regarding contaminated sites have been implemented in the Act. These provisions define "person responsible for a contaminated site" and ensure necessary clean-up work can be done on these sites. Using the "polluter pays" principle, the provisions will help ensure that those responsible for contamination pay for necessary clean-up work.

The Contaminated Sites Liability Issues Task Force made its recommendations regarding these provisions to the Minister in April, 1992. Copies of this report are available from the Department. To help the Department implement these recommendations, a multi-stakeholder working group has been established by the Minister.

APPENDIX 1

Submitters List

Name	Organization	Name	Organization
	E.T. Barnes & Associates Inc.	Bebee, G.	Canadian Tire Corp.
	Handy Refund Bottle Depot	Beechey, J.	DowElanco Canada Inc.
	Refrigeration & Air Conditioning Contractors Assoc.	Beeler, B.	Ciba-Geigy Canada Ltd.
	Uniform, Region 15	Bell, J.	Bell & Reading Engineering Ltd.
Ahn, S.	Campbell Park Container Depot	Betts, V.	Smoky River Coal Limited
Aird, J.	Magrath Bottle Depot	Bidgood, Dr. B.	Alberta Forestry, Lands and Wildlife
Albert, L.	Bashaw Bottle Depot	Bischke, W.	Stettler Bottle Depot
Alderson, P.	Mayor, City of Fort Saskatchewan	Bishop, D.	Fort Vermilion
Alexandre, B.	Municipal District of Smoky River #130	Blackmore, B.	J.C. Drilling
Allen, G.	Yellowhead Regional Planning Commission	Blake, T.	Trout Unlimited Canada
Anderson, A.	Alken Basin Drilling	Blake, P.	Canadian Forest Products Lethbridge
Andrews, D.	Alberta Cattle Commission	Block, L.	Barons-Eureka-Warner Health Unit
Andrukow, G.L.	Andrukow Farm Sales Ltd./Lakeland Agro. Ltd.	Blom, K.J.	
Atwal, A.	South East Alberta Regional Planning Commission	Bouchard, G.	Improvement District #17(W)
Audette, R.	University of Alberta Hospital	Bowles, N.	Landscape Alberta Nursery Trade Association
Babiuk, E.	Health Action Network Society	Bradwell, D.	Tetra Pak Inc.
Bailey, C.	Fort Road Bottle Depot	Brinker, C.	Edson
Bailey, D.	CU Water Limited	Brodersen, L.	Alberta Agriculture
Bakken, A.	Sundre	Brodowski, W.	City of Lethbridge
Bakken, E.	Sundre	Browning, G.	Alberta Urban Municipalities Association
Bartinski, K.	NorthWest Peat Soil Association	Brown, K. & M.	Countryside Drilling
Basu, R.	Union of Concerned Scientists	Burns, S.M.	Alberta Roadbuilders & Heavy Construction Association
		Bush, C.D.	Calgary
		Bush, C.D.	Alberta Native Plant Council
		Byrt, H.F.	Garrity and Baker Drilling (1979) Ltd.

Name	Organization	Name	Organization
Carnine, L.	Alberta Cattle Feeders' Association	Custer, D.	Uptown Bottle Depot
Cass, F.	Alberta Labour	Danchuk, K.	Edmonton
Castro-Wunsch, K.	I.D. Systems Ltd.	Danielson, B.	Alberta Forestry, Lands and Wildlife
Chalmers, R.	Master Builders Technologies Ltd.	Davidson, C.	University of Alberta
Chamberlain, M.J.	Canadian Bar Association Environmental Law Subsection (Alberta)	Deemter, J.	Lethbridge
Christa, E.	McLennan	Degenhardt, T.L.	Hughenden
Clare, S.	Edmonton	Denomme, D.	J.B. Food Industries (Western) Inc.
Cleland, N.A.	APEGGA	Dietrich, W.M.	Alberta Oilfield Treating & Disposal Association
Cloghesy, M.E.	Canadian Manufacturers of Chemicals Specialty Association	Dinwoodie, A.	Edmonton
Clopton, D.	County of Vulcan #2 Agricultural Service Board	Dinwoodie, G.	Edmonton
Close, G.	Apache Seeds Limited	Dixon, J.S.	Southern Alberta Development & Protective Association
Coligado, M.C.	Ministry of Environment, Lands and Parks, B.C.	Dixon, H.	Brant
Collicott, B.	City of Fort McMurray	Doane, B.	Baker Performance Chemicals, Inc.
Collier, B.	Bon Accord	Dobson, J.	Fort McMurray
Comin, B.	Edmonton	Doering, G.	Doering Drilling Ltd.
Constable, R.	Southland Engineering Limited	Dollman, T.	Dollman's Water Well Drilling
Cook, G.	North Canadian Oils Limited	Dolph, J.	Calgary
Copp, J.C.	Canadian Bar Association Environmental Law Subsection (Northern Alberta)	Dossa, S.	Beddington Heights Bottle Depot
Cromer, P.	Calgary	Driedger, D.L.	LaCrete
Crosby, R.	Alberta Liquor Control Board	Drok, I.J.	Alberta Yard Care Services
Crowe, D.	Alberta Green Party	Drybrough, G.	Redi Enterprises
Cumming, T.	Calgary Chamber of Commerce	Dubas, R.	EBA Environmental Ltd.
Curry, E.	Western Stock Growers Association	Dunbar, A.	AGT Ltd.
		Dziadek, J.	Sundre
		Eberhart, G.	Alberta Pharmaceutical Association

Name	Organization	Name	Organization
Eckland, C.	McLennan	Gadsby, M.C.	Hoechst Canada Inc.
Edwards, K.	Cor Limited	Gakan, B.Z.	Rycroft Bottle Depot
Endall, G.	Grande Cache Bottle Depot	Gardner, R.	Grassland Naturalists
Erickson, F.	Code Hunter representing Amway Corporation	Garrah, M.	Ecological Resource Society
Evans, I.	Strathcona County	Girard, A.	Ceda Reactor Ltd.
Evely, M.	Edmonton Friends of the North	Glaholt, R.	URSVS Biotechnics Limited
Exner, K.K.	NOVA Corporation of Alberta	Godin, L.	City of Medicine Hat
Eyolfson, A.	Innisfail	Golec, P.	Improvement District #14
Fairbairn, G.	Alberta Bottle Depot Association	Gordon, B.	Agriculture Canada
Fehr, R.	Alberta Dust-N-Oil Inc.	Grabow, J.M.	Alberta Ready-Mixed Concrete Association
Feick, R.	Independent Petroleum Association of Canada	Greenlee, T.	United Farmers of Alberta
Fenrich, P.	Canadian Federation of Independent Grocers	Gregory, J.M.	Northwestern Utilities Ltd.
Fichtner, K.	Recycling Council of Alberta	Greenhough, G.	Warburg
Field, R.	Big Iron Drilling Ltd.	Grover, D.	Edmonton Fish & Game Association
Findlay, A.	Heuchert Electric Limited	Guccione, G.	Alberta Sugar Company
Finlay, J.C.	Edmonton	Guenter, C.	Recycling Council of Alberta
Flexhaug	Island Bottle Depot	Guggenmoos, S.	TransAlta Utilities Corporation
Folkard, E.	Manville Canada Inc.	Gulammussein, R.	Vulcan Bottle Depot & Scrap Inc.
Forbes, R.W.	The Coal Association of Canada	Gwozdz, E.	Warburg
Forbes, B.	NOVA Corporation of Alberta	Hagen, B.	Bow River Irrigation District
Ford, J.	Grande Prairie Bottle Depot (Swan Industries)	Hain, D.	Calgary
Forrester, L.R.	Forrester Water Well Drilling 1981 Ltd.	Hak, J.	Calgary
Friesen, H.	Peace River	Hale, B.	Wilson Laboratories Inc.
Friesen, B.C.	Synchrude Canada Ltd.	Hansen, P.W.	Alberta Aerial Applicators Association
		Harden	Harden Supply & Bottle Depot

Name	Organization	Name	Organization
Harrison, E. & C.	The Weedbusters	Hunter, G.	Shelby Engineering Ltd.
Harvick, M.J.	Legal	Ikram, Z.	Fairview Bottle Depot
Hawryliuk, P.	Agricultural Service Board	Ireland, J.C.	Saskatchewan Oil and Gas Corporation
Hay, W.K.	TransAlta Utilities Corporation	Jackson, R.	Sentar Consultants Ltd. (Stanley)
Hayden, S.	Camrose Recreation Department	Jacobus, D.	Canadian Association of Petroleum Landmen
Haywood, H.	British Columbia Sugar Refining Co. Ltd.	James, D.N.	County of Newell #4
Heeley, W.	Heating, Refrigerating & Air Conditioning Institute	Janseen, W.	Improvement District #20
Heitzman, D.	St. Albert	Jenkins, G.	CH2M Hill Engineering Ltd.
Heinrichs, W.	Regional Industrial Groundwater Use Policy Review Committee	Jericho, K.	Castle Crown Wilderness Coalition
Henderson, D.	Municipal District of Cypress	Jessa, B.	Bottle Bin Depot
Henline, G. & B.	Henline Drilling	Jetha	Markland Bottle Depot
Heuser, C.	Green Drop Lawns Ltd.	Johnson, K.M.	Association of Alberta Co-Op Seed Cleaning
Heynen, J.	Trail Bottle Exchange	Jorgenson, N.C.	Lethbridge
Hermany, J.	Trail Bottle Exchange	Jabernick, E.	Warburg
Hill, D.R.	Firethorne Consulting	Kane, D.	Amoco Canada Petroleum Company Ltd.
Holgerson, T.	Holgerson Dairies Inc.	Kapalka, F.	Valleyview
Holter, B.	Calgary	Karnebogen, G.	Stony Plain Bottle Depot
Hopper, J.	Hopper Water Well Drilling Ltd.	Katenuko, T.	Sundre
Horne, K.S.	Encor	Keelty, R.J.	Calgary
Howell, E.	Crop Protection Institute of Canada	Kelly, E.	Nisku
Hoyle, R.	Calgary	Kennedy, A.	Alberta Society of Professional Biologists
Hubert, D.	Alberta Plastics Recycling Association	Keshwani, A.	Edmonton
Hughes, R.	New Brunswick Environment	Kherani, R.	Bottle Bin Depot
Hunkin, P.	Beaverlodge	King, R.	Industrial Vegetation Management Association of Alberta
Hunter, D.	Banff		

Name	Organization	Name	Organization
Kinsky, B.N.	Russell Steel	Leszkowicz, J.K.	Calgary
Kinley, C.	Elgin Exploration	Lewis, M.	Canadian Institute of Public Health Inspectors
Kirk, J.	Calgary	Lickacz, L.	Weldwood of Canada Ltd.
Klassen, S.C.	Alberta Irrigation Projects Association	Linton, J.	Grande Prairie Bottle Depot
Klym, D.J.	Suncor Incorporated Oil Sands Group	Lipkind, J.	Alberta Energy Company
Knoeck, J.	Newalta Corporation	Lipohar, C.	Association of Records Managers and Administrators
Koebornick, E.	Warberg	Little, A.	Strome
Konschuk, L.	Municipal District of Rockyview	Logan, I.D.	Edmonton
Kopp, A.M.	Trail Bottle Exchange	Lundy, K.M.	Canadian Association of Oilwell Drilling Contractors
Kostler, J.	Alberta Power Limited	Lutwick, G.	Alberta Environment
Kristianson, G.L.	Western Brewers Association	Mack, D.	Canadian Chemical Producers Association / Fort Saskatchewan Regional Industrial Association
Labbe, R.	Grande Prairie	MacMaster, J.F.	Calgary
Labonte, D.	Sherwood Park Bottle Depot	MacNaughton, M.	Stettler
Laidlaw, W.J.	Ontario Ministry of Natural Resources	MacQuarrie, D.	Calgary Rainforest Action Group
Larson, D.	Esso Chemical Canada	Majeski, L.R.	Country of Leduc #25
Larter, M.	Alberta Cattle Feeder's Association	Mann, D.	GreenWay Farm Supply Limited
Latonas, G.	Chemical Security Alberta Ltd.	Marios, H.H.	Alberta Drycleaners Association
Lawrence, E.	Calgary	Marr, T.	Alberta Bottle Depot Association
Leask, D.	Mount Royal College	Marsden, K.	Northern Lights
LeBreton, J.A.	Buckingham, PQ	Maschmeyer, D.G.	Fort Saskatchewan Regional Industrial Association
Lee, J.	Black Gold City Bottle Depot	Mathes, A.F.	Chem-Security (Alberta) Ltd.
Leedham, J.	Crop Protection Institute of Canada		
Leithead, G.	Alberta Forest Products Association		
Lepp, H.J.	Strathcona Industrial Association		

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Mattson, D.	Greenway Farm Supply Ltd.	Munn, N.	Calgary District Hospital Group
McDonald, I.	Ace Vegetation Control Service Ltd.	Murray, W.H.	M & M Drilling Co. Ltd.
McDonald, M.L.	Calgary	Myers, G.G.	Canadian Petroleum Products Institute
McGee, T.	Town of Drayton Valley	Napora, E.	Bishop Savaryn Environment Committee
McGovern, F.	Mohawk Lubricants Ltd.	Nash, W.	Blue Dawn
McKeddie, K.	Edmonton	Natsukoski, K.	Esso Chemical Alberta Limited
McLean, A.	McCain Foods Ltd	Nelson, L.R.	A.O.S.T.R.A.
Mercier, S.	Improvement Districts Association of Alberta	Nett, D.L.	Provost Bottle Depot
Mercier, J.A.	Universal Explorations Ltd.	Newel, E.	Syncrude Canada Ltd.
Mews-Karasek, J.	Edson & District Recycling Society	Newton, J.	Baker Lovick Advertising
Meyers, B.	Dewinton	Nichols, B.	Drayton Valley Association for Community Living
Michaels, G.	BFI Waste Systems	Nicks, D.	Arrossan
Middleton, R.	Medicine Hat	Nielsen, A.	The Professional Gardener Co. Ltd.
Millar, M.	Isped Trucking	Niemans, B.	Niemans Drilling 919800 Ltd.
Millen, H. & K.	Shamrock Beverage & Bottle Depot	Nixdorf	Quick Stop Bottle Drop
Miller, N.	Alberta Agriculture	Nixon, J.H.	Alberta Soft Drink Association
Miller, P.	Western Stock Growers' Association	Noble, L.B.	Esso Resources Canada Limited
Miller, S.	University Women's Club of Calgary	Noble, B.R.	Husky Oil Ltd.
Moon, H.	A.P. Bottle Depot	Notnes, R.	Alberta Pesticide Action Network
Mooney, P.	Alberta Real Estate Association	Ogilvie, J.	Priddis
Moore, M.	Agriculture Service Board	Oldham, R.W.	Stony Plain
Moore, M.G.	Association of Alberta Agricultural Fieldmen	Oliphant, S.	Alberta Structural Pest Control Association
Morrison, R.	Russell J. Morrison Consulting Limited	Olson, J.	Sentar Consultants Ltd.
Moure, B.	Wildrose Recycling		
Mulligan, K.	Improvement District #16		

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Ostermeier	Joussard Bottle Depot	Rakach, C.	Regional Industrial Groundwater Use Policy Review Committee
Overwater, A.P.	Didsbury	Rakoz, R.	St. Albert
Pankiewich	Valley Bottle Depot	Rankin, A.C.	Agra Industries Limited
Parkin, A.	Lloydminster	Reimer, J.	City of Edmonton
Parks, K.	CH2M Hill Engineering	Renaud, R.	Uptown Bottle Depot, and 40 Concerned Alberta Bottle Depots
Parliament, N.	Town of Brooks & District Environmental Advisory Committee	Rew, D.	Red Deer
Paschen, E.	Canadians for Responsible Northern Development	Reynolds, D.	City of Calgary
Pascoe, W.	Refrigeration Service Engineers Society	Robertson, M.R.	PetroCanada Inc.
Paterson, L.	Oldman River Regional Planning Commission	Round, R.	Friends of the Earth-Canada
Paton, D.G.	Western Enviro Agricultural Lab Association	Robinson, Dr. I.	Calgary Regional Planning Commission
Pearson, K.	Canadian Geological Drilling	Rogers, J.	Green Drop Lawns Ltd.
Peggs, I.D.	I-Corp International Inc., Ocean Ridge, Florida	Ryan	St. Paul Bottle Depot
Penrod, L.	M & M Drilling Co. Ltd.	Sandberg, G.	Alberta Association of Municipal Districts and Counties
Perschon, L.	Municipal District of Cypress #1	Sargent, G.	Alberta Cattle Commission
Petruic, J.N.	Alberta Wheat Pool	Saville, C.	Saville Drilling Ltd.
Pickerl, N.	Inland Cement Limited	Schacbert, R.	Didsbury Bottle Depot
Pickrell, D.	Inland Cement Limited	Schaefer,	Quick Stop Bottle Drop
Pinnell, O.	Newalta Corporation	Schaefer, M.	Jasper Environmental Association
Pool, A.R.	PanCanadian Petroleum Limited	Scott, A.J.	Westfair Foods Ltd.
Popowich, D.W.	Canadian Western Natural Gas Company Limited	Sebry, B.	Regional Industrial Groundwater Use Policy Review Committee
Proctor, M.	MacKenzie Regional Planning Commission	Selk, B.	Technisol Incorporated
Protti, G.	Independent Petroleum Association of Canada	Sellar, T.	Spruce Grove
		Shadeck, B.	Regional Industrial Groundwater Use Policy Review Committee

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Shannon, G.	Sylvan Lake Bottle Depot	Thompson, C.	Safer Ltd.
Sharpe, E.	Westlock	Thorsell, C.	Edmonton
Slatter, G.	Canmore	Thurber, N.J.	Guardex Lubes Inc.
Slusarczyle, T.	Warburg	Tingley, D.	Environmental Law Centre
Smith, A.	Edmonton	Tkachuk, N. & R.	Myrnan Bottle Depot
Smith, J.	Alberta Association of Registered Nurses	Tomlinson, H.	Federation of Alberta Gas Co-ops.
Smith, M.	Leduc	Topilka, G.M.	Elk Point Drilling
Smith, R.	Sunburst Landscape Association Ltd.	Trett, D.	Provost Bottle Depot
Smith, R.	Petroleum Services Association of Canada	Tuck, B.	Redcliff Bottle Depot
Smith, T.	Mobil Oil Canada	Tully, W.	Russell Steel
Smyth, I.R.	Canadian Petroleum Association	Tyler, R.	Didsbury
Solberg, C.	Wainwright	Tym, H.	En Pro Tech
Sroka, M. & G.	Mels Drilling Services Ltd. (1970)	Van Hereweghe, L.	Three Hills Bottle Depot
Stafford, D.	Alberta Water and Wastewater Operator Association	Veary, L.	Calgary
Stashko, K. & S.	Athabasca	Vetch, L.	Edmonton Friends of the North
Stephenson, W.K.	Canadian Chemical Processors' Association	Walji	Marland Bottle Depot
Steward, J.	Unifarm	Walls, V.G.	Alberta Sand and Gravel Association
Stoneman, C.W.	Big Country Gas Co-Op	Walton, B.D.	Canadian Council of Grocery Distributors
Strawson, E.	Strawson's General Store	Wankiewicz, P.	Edmonton
Stribrny, M.	Centra Gas Alberta Inc.	Waters, J.	Canada Safeway Limited
Summers, M.	Blue Ridge Lumber (1981) Ltd.	Watson, B.	Evnipco Automated Recycling Inc.
Sutton, S.	Environmental Services Association of Alberta	Welsh, D.	Ponoka
Tanghe, R.	Edson	White, D.	Regional Environmental Action Committee
Templeton, C.H.	Northern Environment Foundation	White, D.S.	Core Laboratories
Tenove, R.S.	Hardy BBT Ltd.	Whitehead, J.	Alberta Eagle Drilling

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Whitelock, C.	Regional Industrial Groundwater Use Policy Review Committee	Zoeteman, J.	Oldman Regional Planning Commission
Wich, J.	Northeast Alberta Surface Rights Protective Association	Zroback, R.	Gregg River Coal Ltd.
Wilde, R.	Edmonton Friends of the North Environmental Society	Zuurbier, H.	Harry Zuurbier, M.A. & Associates
Williamson, V.M.	Calgary Board of Education		
Willness, C.	Edmonton		
Willness, W.	Spruce Grove		
Wilpert, D.C.	Calgary		
Wilson, A.	Applied Engineering Sciences Group Ltd.		
Wilson, D.	Bayvet Division Chemagro Ltd.		
Windwick, F.W.	Edmonton Chamber of Commerce		
Wolcott, R.	Calgary		
Wold, D.	Camrose City Recycling Committee		
Wolfe, J.	Edmonton		
Won, H.	Centennial Bottle Depot		
Wood, A.D.	Insurance Bureau of Canada		
Wowchuk, D.	Western Fertilizer & Chemical Dealers Association		
Wright, B.	Industrial Vegetation Management Association of Alberta		
Wright, E.M.	Gulf Canada Resources Limited		
Yagos, E.	Yagos Consulting Ltd.		
Young, R.	Alberta Forestry, Lands and Wildlife		
Zacharko, N.	Mobile Augers and Research		





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